

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HAO ZHE WANG

Plaintiff,

- against -

VERIZON COMMUNICATIONS, INC., et al.,

Defendants.
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19-cv-9506 (JMF) (RWL)

ORDER

USDC SDNY

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DATE FILED: 2-13-2020

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Plaintiff has sued 25 Verizon affiliated entities. Plaintiff claims to have served all entities with process and has filed proof of same. Four of the Defendant entities have appeared. Plaintiff now requests the Clerk to enter default against the 21 entities that have not appeared and has submitted an affirmation in support attesting to service on all Defendant entities. (Dkt. 67.) The four Defendants that have appeared have submitted an objection to Plaintiff's affirmation (Dkt. 68), arguing that service was not made on the 21 non-appearing entities because the Clerk's docket entry for issuing the summons only refers to the four other entities (Dkt. 10/15/2019) – even though the pleading served included, as an attachment, the names and addresses of all intended Defendants. The appearing entities also have noted that the only Verizon entity relevant to this dispute is Verizon New England Inc., which already has appeared. (See Dkt. 8-1 at p.6.) The appearing Defendants currently have a motion to dismiss pending based on failure to state a claim, and Plaintiff is contemplating amending the Complaint. (Dkt. 8.)

The Court finds as follows:

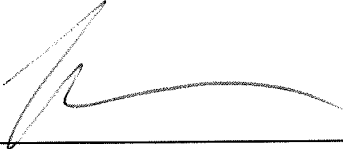
1. No default is warranted at this time given that the non-appearing Defendants argue that they have not been served (though the Court is skeptical of that

argument). Accordingly, Plaintiffs' proposed certificates of default against the non-appearing Defendants shall be stricken without prejudice.

2. It would impede the efficient administration of justice to include as Defendants the Verizon entities that have no connection to the instant dispute. Accordingly, if Plaintiff amends the Complaint rather than oppose the motion to dismiss, Plaintiff shall consider whether to drop as Defendants some or all of the non-appearing Verizon entities.

3. Defendants shall file a status report with the undersigned within two days following filing of an answer, a new motion to dismiss, or a letter stating their reliance on the previously filed motion to dismiss, as directed by Judge Furman in Dkt. 42, so that the Court can schedule a case management conference.

Dated: February 13, 2020
New York, New York



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Copies transmitted to all counsel of record and to:

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